

EXHIBIT

CLINTON COUNTY MUNICIPAL COURT  
P.O. Box 71, 69 North South St  
Wilmington, Ohio 45177  
(937) 382-8985

tabbies

Order of Protection per  
ORC 2919.26(G)(2), this Order Indexed:

Law Enforcement Agency where Indexed

Phone Number

State of Ohio

-vs-

Kirk, Christopher L

: Case No. CRB 0900774

: Judge: Chad L. Carey

: DOMESTIC VIOLENCE CRIMINAL TEMPORARY  
PROTECTION ORDER (DVTPO) R.C. 2919.26

: ☒ NEW ORDER

: [ ] MODIFICATION OF PREVIOUS ORDER

### ALLEGED VICTIM

Misty S. Kirk  
DOB:

PERSON(S) PROTECTED BY THIS ORDER:  
Alleged Victim's Family/Household Members:

Misty S. Kirk DOB:

DOB:

DOB:

### DEFENDANT:

Kirk, Christopher L

ADDRESS WHERE DEFENDANT CAN  
BE FOUND:

### DEFENDANT IDENTIFIERS

SEX RACE HEIGHT WEIGHT  
M

EYES HAIR DATE OF BIRTH  
05/23/1974

OLN NO:

OLN EXPIRE DATE:

DISTINGUISHING FEATURES:

STATE:

[ ] FIREARMS ACCESS-PROCEED WITH CAUTION

Ex Parte DVTPO Granted:

DVTPO Granted:

Date issued:

Date issued:

(Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit  
Declaration: Registration of this form is not required for enforcement.)

### THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the  
Defendant has been or will be provided with reasonable notice and opportunity  
to be heard within the time required by Ohio law. Additional findings of this  
Order are set forth below.

### THE COURT HEREBY ORDERS:

That the above named Defendant be restrained from committing acts of abuse or  
acts of abuse against the Alleged Victim and other protected persons named  
in this Order, as set forth below. Additional terms of this Order are set  
forth below.

WARNING TO DEFENDANT: See the warning page attached to the front of this Order

Upon a hearing held on 1. 14 2009, the Court finds that the Motion for Domestic Violence Temporary Protection Order is well taken. The Court finds that the safety and protection of protected persons named in this Order may be impaired by the continued presence of Defendant. Therefore, the following orders, which are designed to ensure safety and protection of protected persons named in this Order, are issued to Defendant as pretrial conditions of release in addition to any bail set under Criminal Rule 46.

ALL OF THE PROVISIONS CHECKED BELOW APPLY TO THE DEFENDANT

1. DEFENDANT SHALL NOT ABUSE protected persons named in this order by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations upon them or by committing sexually oriented offenses against them. [NCIC 01 and 02]
2. DEFENDANT SHALL NOT ENTER the residence, school, business, place of employment, or child care providers of the protected persons named in this Order, including the buildings, grounds and parking lots of those locations. Defendant may not violate this Order even with the permission of a protected person. [NCIC 04]
3. DEFENDANT SHALL NOT INTERFERE with protected persons' right to occupy any residence by canceling utilities or insurance and interrupting phone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]
4. DEFENDANT SHALL SURRENDER all keys and garage door openers to the following residence: \_\_\_\_\_  
at the earliest possible opportunity after service of this Order to the law enforcement agency that serves Defendant with this Order or as follows:
5. DEFENDANT SHALL STAY AWAY FROM PROTECTED PERSONS NAMED IN THIS ORDER and shall not be present within 500 feet or \_\_\_\_\_ (distance) of any protected persons, wherever protected persons may be found, or any place the Defendant knows or should know a protected persons are likely to be, even with protected persons' permission. If Defendant accidentally comes in contact with protected persons in any public or private place, Defendant must depart immediately. This order includes, encounters on public and private roads, highways, and thoroughfares. [NCIC 04]
6. DEFENDANT SHALL NOT INITIATE or have any contact with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, telephone, fax, e-mail, voice mail, delivery service, writings, or communications by any other means in person or through another person. Defendant may not violate this Order even with permission of a protected person. [NCIC 05]
7. DEFENDANT SHALL NOT remove, damage, hide, or dispose of any property or or pets owned or possessed by the protected persons named in this Order.
8. DEFENDANT SHALL NOT CAUSE OR ENCOURAGE ANY OTHER PERSON to do any act prohibited by this Order.
9. DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON. Defendant shall turn over all deadly weapons in Defendant's possession to the law enforcement agency that serves Defendant with this Order as follows:  
\_\_\_\_\_  
Any law enforcement agency is authorized to take possession of deadly weapons pursuant to this paragraph and hold them in protective custody until further Court Order. [NCIC 07]
10. DEFENDANT MAY PICK UP CLOTHING and personal items from the following residence: \_\_\_\_\_  
only in the company of a uniformed law enforcement officer within 7 days of the filing of this Order or the date of Defendant's release on bond in connection with this charge, whichever is later. Arraignments may be made by contacting:
11. DEFENDANT SHALL NOT CONSUME, USE, OR POSSESS illegal drugs or beverages containing alcohol.

12. IT IS FURTHER ORDERED:

*No contact from next door  
at Rivers House. Def. must be kept  
away*

13. DEFENDANT IS ADVISED THAT VISITATION ORDERS DO NOT PERMIT DEFENDENT TO VIOLATE ANY OF THE TERMS OF THIS ORDER.

14. IT IS FURTHER ORDERED, that a copy of this Order SHALL be delivered to Defendant on the same day that the Order was entered.

15. THIS ORDER REMAINS IN EFFECT: (1) until modified by this Court; or (2) until the criminal proceeding arising out of the complaint upon which these Orders were issued this Court or by the Common Pleas Court to which the Defendant is bound over for prosecution; or (3) until a Court issues a Civil Protection Order (CPO) arising out of the same activities as those that were the basis of the complaint filed in this action.

IT IS SO ORDERED.

JUDGE/MAGISTRATE - DATE EX PARTE DVTPO

JUDGE/MAGISTRATE - DATE OF DVTPO

MAY 14 2009

**NOTICE TO DEFENDANT:** THE PERSONS PROTECTED BY THIS ORDER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER EVEN WITH PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. IF THERE IS ANY REASON WHY THIS ORDER SHOULD BE CHANGED, YOU MUST ASK THE COURT TO CHANGE IT. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

A hearing on this Order shall  
be held before Judge/Magistrate

Chad L. Carey

on 05/14/2009 at 10:01 AM  
(The next court day) at the  
following location:

CLINTON COUNTY MUNICIPAL COURT  
P.O. Box 71, 69 North South St  
Wilmington, Ohio 45177

TO THE CLERK:

COPIES OF THIS ORDER SHALL BE DELIVERED TO:

Prosecutor  
Alleged Victim  
Defendant (by Personal Service)  
Attorney for Defendant  
Police Department where alleged  
Victim resides:  
Police Department where alleged  
Victim works:  
The County Sheriff  
Other:

Service acknowledged:

Defendant Signature

Date

## WAIVER OF HEARING

I HAVE BEEN ADVISED OF MY RIGHT TO HAVE A HEARING ON THE MOTION FOR DOMESTIC VIOLENCE CRIMINAL PROTECTION ORDER AND HEREBY KNOWINGLY AND VOLUNTARILY WAIVE THE HEARING ON THE MOTION AND AGREE TO BE BOUND BY THE TERMS OF THIS ORDER.

DEFENDANT:

DATE:

NOTICE CONCERNING POSSESSION OR  
PURCHASE OF FIREARMS

**NOTE:** Rule of Superintendence 10.04 requires notice of possible firearm restrictions to be provided to the defendant prior to entering a guilty plea or plea of No contest to a misdemeanor crime of violence against a family or household member.

Pursuant to Ohio Revised Code Section 2943.033, you are advised that if enter a guilty plea or plea of no contest to a misdemeanor crime involving violence where you are or were

- \* A spouse, person living as a spouse, former spouse of the alleged victim;
- \* A parent or child of the alleged victim;
- \* A parent or child of a spouse, person living as a spouse, or former spouse of the alleged victim; or
- \* The natural parent of any child of whom you are the other natural parent or the punative natural parent

It may be unlawful for you to ship, transport, purchase, or possess a firearm or or ammunition as a result of any conviction for a misdemeanor offense of violence pursuant to federal law under 18 U.S.C. section 922(g)(9).

If you have any questions whether this law makes it illegal for you to ship, transport, rchase, or possess a firearm or ammunition, you should consult an attorney.